

Remarks

[0001] Herein, the "Action" or "Office Action" refers to the non-final Office Action dated February 22, 2008.

[0002] Applicant respectfully traverses the rejections, and requests reconsideration and allowance in light of the comments and amendments contained herein. Accordingly, Applicant requests that the rejections be withdrawn and that the case be passed along to issuance. Claims 1-29 are presently pending. Claims 1, 5, 12, 16, 22, and 26 are amended herein. No new matter has been added by the amendments, and support for the amendments can be found at least at page 8 lines 1-6, page 10 lines 1-12, and at Figs. 2 and 3 of the Specification "as-filed". No claims are canceled herein. No new claims added herein.

Substantive Claim Rejections

35 USC § 102 Claim Rejections

[0003] Claims 1-7 and 10-15 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0192059 to Soloff et al. (hereinafter, "Soloff") (*Office Action*, p.2).

[0004] Applicant respectfully traverses the rejections, and requests reconsideration and allowance in light of the comments and amendments contained herein. Accordingly, Applicant requests that the rejections be withdrawn and that the case be passed along to issuance.

[0005] **Claim 1** as amended, recites a method comprising:

initializing a client device, wherein the client device has an associated identifier;

communicating the identifier associated with the client device to a configuration server, wherein the configuration server stores configuration information associated with the client device for communication to the client device;

receiving the configuration information at the client device from the configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device;

applying the configuration information to the client device; and

receiving video data from the configuration server.

[0006] In order for Soloff to anticipate this claim, Applicant submits that Soloff must disclose each and every element and feature of the claim and that they must be arranged in the same manner as the claim. Applicant respectfully submits that Soloff does not disclose all of the claimed elements and features of claim 1. For example, Soloff does not show or disclose, "communicating the identifier associated with the client device to a configuration server, wherein the configuration server stores configuration information associated with the client device for communication to the client device" and then "receiving the configuration information at the client device from the configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device", as recited in claim 1.

[0007] Instead, Soloff describes a problem encountered by those who use interactive television platforms. More specifically, Soloff describes that these platforms often consist of many disparate user applications, and although the applications may not work together, the applications often require that the same registration information be repeatedly input by the user in order for each of the different applications to operate (*Soloff*, [0005]-[0006]). For example the user may need to enter the same credit card information and mailing address information multiple times – once for each application (*Soloff*, [0005]-[0006]).

[0008] As a solution to this problem, Soloff describes an interactive television system with disparate user applications that includes a registration application which collects registration information from a user and then stores the information in a central repository owned by the satellite television service provider (*Soloff*, [0011]). The registration information is input by the user, and is then transmitted to the central repository. However, Soloff describes that in order to facilitate easy access to the registration information, a portion of the registration information is stored at the remote client's set top box (STB) (*Soloff*, [0015]-[0016]). Soloff also describes that the user's telephone number is identify the user's system (*Soloff*, [0036]).

[0009] With regard to the registration information, Soloff clearly describes that to facilitate easy access to the registration information, a portion of the registration information is stored at the remote client's set top box (STB) (*Soloff*, [0015]-[0016]). Soloff describes that storing

registration material at the remote client's set top box facilitates access to common information and makes it unnecessary to connect to the central repository each time a piece of common information is required by an application running on the remote client (*Soloff*, [0015]-[0016]). Thus, Soloff describes that in many cases the disparate applications can access the common registration material stored on the set top box and the applications do not need to access the registration material stored at the central repository.

[0010] In contrast, Applicant's claim 1 recites, "receiving the configuration information at the client device from the configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device". This is the case since the configuration information that needs to be persisted is stored remotely from the client device (*i.e.*, the configuration information is not stored at the client device). Therefore, if anything, by describing the storage of registration material at the set top box, Soloff teaches away from that which is recited in Applicant's claim 1 (see, e.g., *MPEP* §2145).

[0011] In addition, Soloff does not show or disclose, "receiving the configuration information at the client device from the configuration server", as recited in claim 1. In fact, the Office acknowledges that Soloff does not describe sending configuration information back to the client device (*Office Action*, p.7).

[0012] Accordingly, claim 1 is allowable over Soloff for at least these reasons, and Applicant respectfully requests that the §102 rejection be withdrawn.

[0013] **Claims 2-7 and 10-15** are allowable by virtue of their dependency upon claim 1. Additionally, claims 2-7 and 10-15 may be allowable over Soloff for independent reasons. For example:

[0014] **Claim 5** as amended, recites a method as recited in claim 1 "wherein the identifier is a unique identifier which continues to uniquely identify the client device when the client device is relocated from one household to another household." In contrast, Soloff describes that the user's telephone number is used to identify the user's system (Soloff, [0036]). Accordingly, moving the client device from one household to another would lead to a different telephone number and different identifier.

[0015] **Claim 12** as amended, recites a method as recited in claim 1 further comprising, "applying the configuration information to multiple client devices, whereby each of the multiple client devices receives identical configuration information." Soloff does not show or disclose, "applying the configuration information to multiple client devices, whereby each of the multiple client devices receives identical configuration information", as recited in claim 12.

35 USC § 103 Claim Rejections

[0016] Claims 8 and 9 are rejected under 35 U.S.C. §103(a) for obviousness over Soloff in view of U.S. Patent Application Publication No. 2003/0161395 to Byers et al. (hereinafter, "Byers") (*Office Action*, p.6).

[0017] Claims 16-29 are rejected under 35 U.S.C. §103(a) for obviousness over Soloff in view of U.S. Patent Application Publication No. 2005/0076394 to Watson et al. (hereinafter, "Watson") (*Office Action*, p.7).

[0018] Applicant respectfully traverses each of the §103 rejections, and requests reconsideration and allowance in light of the comments and amendments contained herein. Accordingly, Applicant requests that the rejections be withdrawn and that the case be passed along to issuance.

[0019] **Claim 16** as amended, recites a method comprising:

- receiving an identifier from a client device;
- receiving a request for configuration information associated with the client device from the client device, each time the client device is to perform a task which requires application of the configuration information associated with the client device;
- identifying the requested configuration information associated with the client device based on the received identifier;
- communicating the requested configuration information to the client device; and
- communicating video data to the client device for display on a display device.

[0020] Applicant submits that the Office has failed to establish a prima facie case of obviousness, as Soloff and/or Watson do not teach or suggest the combination of features recited in claim 16. For example, the Soloff-Watson combination does not teach or suggest, "receiving a request for configuration information associated with the client device from the client device, each time the client device is to perform a task which requires application of the configuration information associated with the client device", as recited in claim 16.

[0021] Instead as described previously, Soloff is directed to a problem encounter by those who use interactive television platforms, since such platforms consist of many disparate user applications, and although the applications may not work together, the applications often require that the same registration information be repeatedly input by the user in order for each of the different applications to operate (*Soloff*, [0005]-[0006]). For example the user may need to enter the same credit card information and mailing address information multiple times – once for each application (*Soloff*, [0005]-[0006]).

[0022] As a solution to this problem, Soloff describes an interactive television system with disparate user applications that includes a registration application which collects registration information from a user and then stores the information in a central repository owned by the satellite television service provider (*Soloff*, [0011]). The registration information is inputted by the user, and is then transmitted to the central repository. However, Soloff describes that in order to facilitate easy access

to the registration information; a portion of the registration information is stored at the remote client's set top box (STB) (*Soloff*, [0015]-[0016]). Thus, *Soloff* describes that in many cases the disparate user applications can access the common registration material stored on the set top box and do not need to access the registration material stored at the central repository.

[0023] In contrast, Applicant's claim 16 recites, "receiving a request for configuration information associated with the client device from the client device, each time the client device is to perform a task which requires application of the configuration information associated with the client device", as recited in claim 16. This is the case since the configuration information that needs to be persisted is stored remotely from the client device (*i.e.*, the configuration information is not stored at the client device). Therefore, if anything, *Soloff* teaches away from that which is recited in Applicant's claim 16. Accordingly, *Soloff* does not teach or suggest, "receiving a request for configuration information associated with the client device from the client device, each time the client device is to perform a task which requires application of the configuration information associated with the client device", as recited in claim 16.

[0024] Watson fails to cure the deficiencies of *Soloff*, as Watson does not teach or suggest, "receiving a request for configuration information associated with the client device from the client device, each time the client device is to perform a task which requires application of the

configuration information associated with the client device”, as recited in claim 16.

[0025] Instead, Watson addresses the problem that some users may attempt to modify their set top boxes (STBs) in an effort to access unauthorized channels or services (*Watson*, [0005]). Watson describes that such modification may include installing larger disk drives, and installing memory cards that provide codes necessary to access unauthorized channels and services (*Watson*, [0005]).

[0026] As a solution to this problem, Watson describes a STB which includes a remote resource manager (RRM) which permits a service provider to monitor the resources that are associated with the STB and determine if all the resources associated with the STB are authorized (*Watson*, [0006]). The service provider receives the data received from the STB and compares the data to a database describing what the service provider expects for the STB (*Watson*, [0033]). For example, if the user of the STB has paid for basic subscription content plus a 10 gigabyte fixed disc drive, that data is stored in the database and used for making the comparison (*Watson*, [0033]). Differences between the information received from the STB and reference information retrieved from the database are noted (*Watson*, [0034]).

[0027] The office cites Watson as disclosing transfer of data between a remote site (a television service provider) and the user location (*Office Action*, p.7; *Watson*, [0036] lns.3-7). The cites lines simply state that,

"...in some embodiments, data could be sent from the service provider to the STB 106 that relates to programming content or information related to future programs... (*Watson*, [0036]). The information send in *Watson* is not described as being configuration information associated with the client device.

[0028] Therefore, *Watson* does not cure the deficiencies of *Soloff*, as *Watson* does not teach or suggest, "receiving a request for configuration information associated with the client device from the client device, each time the client device is to perform a task which requires application of the configuration information associated with the client device"; as recited in claim 16.

[0029] Accordingly, claim 16 is allowable over the *Soloff-Watson* combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0030] **Claims 17-21** are allowable over the *Soloff-Watson* combination by virtue of their dependency upon claim 16 (either directly or indirectly). Additionally, some or all of claims 17-21 may also be allowable over the *Soloff-Watson* combination for independent reasons.

[0031] **Claim 22** as amended, recites one or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to:

- receive a request from a user that a client device perform a task;

- determine that configuration information associated with the client device is needed to perform the requested task;

- request the needed configuration information from a configuration server which stores the configuration information associated with the client device for communication to the client device each time the client device is to perform any task which requires application of the configuration information associated with the client device;

- receive the needed configuration information from the configuration server;

- apply the needed configuration information;

- receive video data from the configuration server; and

- communicate the received video data to a display device.

[0032] Soloff and/or Watson do not teach or suggest the combination of features recited in claim 22. For example, the Soloff-Watson combination does not teach or suggest one or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to, "determine that configuration information associated with the client device is needed to perform the requested task" and "request the needed configuration information from a configuration server which stores the configuration

information associated with the client device for communication to the client device each time the client device is to perform any task which requires application of the configuration information associated with the client device”, as recited in claim 22.

[0033] The Office rejects claim 22 for reasons similar to those set forth in the 103 rejection of claim 16 (*Office Action*, p.9). In response, Applicant asserts that claim 22 is allowable over the Soloff-Watson combination based on reasoning similar to that discussed above in response to the rejection of claim 16. For the sake of brevity, Applicant has not repeated the arguments.

[0034] Accordingly, claim 22 is allowable over the Soloff-Watson combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0035] **Claims 23-25** are allowable over the he Soloff-Watson combination by virtue of their dependency upon claim 22 (either directly or indirectly). Additionally, some or all of claims 23-25 may also be allowable over the Soloff-Watson combination for independent reasons.

[0036] **Claim 26** as amended, recites an apparatus comprising:

 a storage device containing an identifier associated with the apparatus, wherein the identifier continues to uniquely identify the apparatus even when the apparatus is relocated from one household to another household;

 a communication interface; and

 a processor coupled to the storage device and the communication interface, wherein the processor is to communicate a request for configuration information and the identifier to a configuration server via the communication interface, wherein the processor is further to receive configuration information from a configuration server via the communication interface, and wherein the processor is to receive broadcast video data via the communication interface.

[0037] The Office rejects claim 26 for reasons similar to those set forth in the 103 rejection of claim 16 (*Office Action*, p.11). In response, Applicant asserts that claim 26 is allowable over the Soloff-Watson combination based on reasoning similar to that discussed above in response to the rejection of claim 16. For the sake of brevity, Applicant has not repeated all of the arguments.

[0038] However, Applicant further submits that there are additional reasons that Soloff and/or Watson do not teach or suggest the combination of features recited in claim 26. For example, the Soloff-Watson combination does not teach or suggest an apparatus comprising, “a storage device containing an identifier associated with the apparatus, wherein the identifier continues to uniquely identify the apparatus even

when the apparatus is relocated from one household to another household”, as recited in claim 26.

[0039] Soloff does not teach or suggest the recited limitation. Instead, Soloff describes that the user's telephone number is used to identify the user's system (Soloff, [0036]). Accordingly, moving the client device of Soloff from one household to another is likely to lead to a different telephone number and hence a different identifier. In other words, the disclosed telephone number-based approach is unreliable as it cannot consistently achieve the same result as the subject matter of claim 26.

[0040] Watson fails to cure the deficiencies of Soloff, as Watson does not teach or suggest an apparatus comprising, “a storage device containing an identifier associated with the apparatus, wherein the identifier continues to uniquely identify the apparatus even when the apparatus is relocated from one household to another household”, as recited in claim 26. The Office has not cited to Watson as disclosing such.

[0041] Accordingly, claim 26 is allowable over the Soloff-Watson combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0042] **Claims 27-29** are allowable over the he Soloff-Watson combination by virtue of their dependency upon claim 26 (either directly or indirectly). Additionally, some or all of claims 27-29 may also be allowable over the Soloff-Watson combination for independent reasons.

Dependent Claims

[0043] **Claims 8 and 9:** Applicant notes neither of these claims are independent claims, and that each of these claims ultimately depends from independent claim 1. Applicant further notes that Byers does not cure the deficiencies of Soloff discussed above in response to the rejection of independent claim 1.

[0044] It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable, and therefore Applicant does not believe that it is necessary to present arguments in favor of each and every one of these dependent claims, as such claims should be allowable for at least the reasons discussed above, as well as for their own recited features which are neither shown nor supported in the cited art.

[0045] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant submits that the Office withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0046] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

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Respectfully Submitted,

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